

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Shunpei YAMAZAKI et al.)
Serial No.: 10/664,458)
Filed: September 18, 2003)
For: Light-Emitting Device And)
Manufacturing Method Thereof)
Examiner: Christopher M. Raabe)
Confirmation No.: 4357)
Art Unit: 2879)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE (G) TO OFFICE ACTION

Sir:

Applicants have the following response to the Office Action of July 16, 2008, a one month extension of time being submitted herewith.

Applicants will now address each of the Examiner's rejections in the order in which they appear in the Office Action.

Claim Rejections - 35 USC §103

Claims 1-3, 9-14, 23, 37, 39

In the Office Action, the Examiner rejects Claims 1-3, 9-14, 23, 37 and 39 under 35 USC §103(a) as being unpatentable over Yamagata (US 2002/0070385), in view of Koyama (US 2001/0002703) in view of Himeshima et al. (JP 09-235546), Jones (US 6,069,443) and Sato et al. (US 2002/0140646). This rejection is respectfully traversed.

More specifically, independent Claim 1, for example, recites the feature, among other features, of

“a transistor formed over a substrate;
a first layer provided over the transistor...;
a first passivation film formed over and in contact with the first layer;
a photosensitive organic resin film having an opening;
a light-emitting element formed over the first passivation film; and
a second passivation film formed over the photosensitive organic resin film and the light-emitting element...
wherein the photosensitive organic resin film are in contact with the first passivation film,

wherein the photosensitive organic resin film is in contact with the light-emitting layer;

wherein the transistor is located below the photosensitive organic resin film and simultaneously in a periphery portion of the opening...”

In the rejection, the Examiner contends that Yamagata discloses in Figs. 9A-9C, a transistor (963) formed over a substrate, a first layer (939), a photosensitive organic resin film (939) having an opening, wherein the photosensitive organic resin film (939) is in contact with the light emitting layer (950) and wherein the transistor (963) is located

below the photosensitive organic resin film (939). Hence, the Examiner is contending that second interlayer-insulating film (939) in Yamagata is both the claimed first layer and the claimed photosensitive organic resin film. However, as explained in paragraphs [0097] - [0099] in Yamagata, film 939 is formed using an organic resin material. Thereafter, a resist is formed, and film 939 is etched to form contact holes therein. Therefore, one skilled in the art would understand that film 939 is a single film, and the region of film 939 in contact with organic compound layer 950 (the alleged light emitting layer) and the region of film 939 in which TFT 963 is located underneath are formed simultaneously as one film.

Hence, film 939 cannot be both the first layer and the photosensitive organic resin film of Claim 1. Therefore, the features of both a first layer and a photosensitive organic resin of Claim 1 are not disclosed or suggested by Yamagata or the other cited references, and independent Claim 1 is not disclosed or suggested by the cited references.

Independent Claims 2 and 23 include similar features and have been rejected in a similar manner. Therefore, for at least the reasons discussed above, independent Claims 2 and 23 are not disclosed or suggested by Yamagata or the other cited references.

Therefore, the cited references (even if combined, which Applicants do not admit is proper) do not disclose or suggest the device of independent Claims 1, 2 and 23, and Claims 1, 2 and 23 and those claims dependent thereon are patentable over these references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claim 4

The Examiner also rejects Claim 4 under 35 USC §103(a) as being unpatentable over Yamagata, Koyama, Himeshima, Jones and Sato and further in view of Yamazaki et al. (US 6,359,320). This rejection is also respectfully traversed.

This claim is a dependent claim. Therefore, for at least the reasons discussed above for the independent claims, this claim is also patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claim 5

The Examiner also rejects Claim 5 under 35 USC §103(a) as being unpatentable over Yamagata, Koyama, Himeshima, Jones and Sato and further in view of Tamai et al. (US 5,793,497). This rejection is also respectfully traversed.

This claim is a dependent claim. Therefore, for at least the reasons discussed above for the independent claims, this claim is also patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 6 and 38

The Examiner also rejects Claims 6 and 38 under 35 USC §103(a) as being unpatentable over Yamagata, Koyama, Himeshima, Jones and Sato and further in view of *Producing Monolithic Light Emitting Diode Display Chips* (IBM Technical Disclosure Bulletin Vol. 16, Issue 1, Pg. 6, 6/1/1973). This rejection is also respectfully traversed.

These claims are dependent claims. Therefore, for at least the reasons discussed above for the independent claims, these claims are also patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 15 and 36

The Examiner also rejects Claims 15 and 36 under 35 USC §103(a) as being unpatentable over Yamagata, Koyama, Himeshima, Jones, Sato and further in view of Tamano et al. (US 5,968,675). This rejection is also respectfully traversed.

This claim is a dependent claim. Therefore, for at least the reasons discussed above for the independent claims, this claim is also patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Information Disclosure Statement

Applicants are submitting an information disclosure statement (IDS) herewith. It is respectfully requested that this IDS be entered and considered prior to the issuance of any further action on this application.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any further fee should be due for this response, the extension of time and/or the IDS, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Date: November 17, 2008

Respectfully submitted,

/Mark J. Murphy/
Mark J. Murphy
Registration No. 34,225

COOK ALEX LTD.
200 West Adams Street
Suite 2850
Chicago, Illinois 60606
(312) 236-8500

Customer No. 26568